

VIA ECF

Hon. Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Duncan v. Gabriel Bros, Inc.*, 1:21-cv-05368-PKC-MMH

Dear Judge Chen:

While the adjournment requested by Defendant Gabriel Bros, Inc. (ECF 7) already has been granted on consent, the parties make this joint submission to address for the record one point in Plaintiff's response letter (ECF 8). Specifically, Plaintiff indicated that Defendant had not contacted Plaintiff to request an extension prior to Defendant's submission, notwithstanding Defendant's representation to the Court that Defendant had done so. Defendant sent two emails to Plaintiff's counsel using an old e-mail address that is inactive, but still listed on ECF, as opposed to the one identified on the present complaint. The Parties have conferred and agreed to make the record clear so the Court is aware that all parties acted in good faith.

We thank the Court for its indulgence and allowing us to clarify the record.

Respectfully submitted,

/s/ Christopher W. Pendleton

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